

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JASON ALLEN MAGGARD,

Petitioner,

No. CIV S-04-2196 GEB KJM P

vs.

JEANNE S. WOODFORD, et al.,

Respondents.

ORDER

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Petitioner is a state prison inmate proceeding pro se with a petition for a writ of habeas corpus. On June 22, 2005, the court recommended that respondent's motion to dismiss be granted because the petition contained both exhausted and unexhausted claims. On November 28, 2005, the district court remanded the matter for consideration of petitioner's request for a stay to permit him to exhaust state remedies on his unexhausted claims. Before this order was issued, petitioner had filed an amended petition for a writ of habeas corpus, containing the two exhausted claims. He thereafter filed a request for a stay of proceedings. This court recommended that the stay be denied, a recommendation adopted by the district court on September 19, 2006. Respondent has not filed an answer.

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1 IT IS HEREBY ORDERED that:

2 1. Respondents are directed to file an answer to petitioner's habeas petition
3 within sixty days from the date of this order. See Rule 4, Fed. R. Governing § 2254 Cases. An
4 answer shall be accompanied by all transcripts and other documents relevant to the issues
5 presented in the petition. See Rule 5, Fed. R. Governing § 2254 Cases.

6 2. Petitioner's reply, if any, shall be filed and served within thirty days after
7 service of the answer.

8 DATED: September 7, 2007.

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11 U.S. MAGISTRATE JUDGE

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